Supreme Court, U.S.
FILED
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159

(2)

Case No. 09-715

In the
Supreme Court Of The United States

William Smith (Pro SE)
Petitioner

V.

Alvin Friedman ET AL Substitute Trustee
Respondent

On Petition for a Writ of Certiorari to the Maryland Court of Appeals for P.G. County 7th Circuit

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PETITION FOR A REHEARING WRIT OF CERTIORARI

William Smith
(Pro Se) Petitioner
1001 Saddle Hill Rd.
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Ph .# 386-734-0476

GROUNDS OF SUBSTITUTIVE RIGHTS

PETITONER WAS NEVER PROVEN GUILTY BY ANY LEGAL DUE PROCESS OF LAW.!?

(A)Petitioner proven Innocent , freedom from this particular offense of guilty is obvious as a matter of law.!? (B) Constitutional due process Amend #5. Constitutional due process and equal protection strict scrutiny Amend 14 . ALL Corroborated by respondent free will, Express waiver of admission defense Rule 2-322 and Court of Appeals conflict with Maryland Rule 8-131Jurisdictional Review is proven.-- Rule 2-535 (b) revissory power (state)

(C) MAXIM'S- Authority, RIGHTS are in GREAT extraordinary conflict. (No petitioner can be innocent and guilty, at the same time for the same offense .!?

(D) The application of the law is the life of the legal jurisdictional law. This is reversible err.!?

(E) Nothing legal in the law, find it necessary, to punish the innocent and let the guilty go free.!?

(F) MAXIM- There should be no departure from words of law (Common observance(or usage)

1.Weather the trial court of P.G. County Maryland 7th Circuit DID violated the people, petitioners , rights and duty, protection of all Courts, mandatory, command, legislated statutory, mandate court duty and right to perform the jurisdictional requirement..

2.Whether the trial court, DID violated, the duty, rights of the people, and (pro se) petitioner. By the Court Manifest clear constitutional guaranteed err of lack due process authority ,to amend 5. Standard statutory requirements rights of law.

3. Whether the trial court, were legally correct, and violated, the duty, rights to the people, and (pro se) petitioner's guaranteed rights of due process, and equal protection, amendment # 14 strict scrutiny to this differential treatment of the (pro se) defendants rights of protection as a matter of law.

4. Respondents express waiver of admission defense is inconsistent lack of continuous filing can not entrapped justice litigant who has renounced his actions, can not bring it any longer as a matter of law.

(5) MAXIM-If the plaintiff does not proof his case the defendant is acquitted. Respondent did not deny .Has lost all right of appeal. Respondent has benefitted from his express waiver of admission defense.

(6) MAXIM- An argument drawn from what is unsuitable, (or Improper has the greatest validity in law. Co. Litt.66a **Law- This case, Express Waiver of Admission, requires no argument.!? MAXIM- (the wrongdoer) should not derive any benefits from his own wrong.**

QUESTION PRESENTED

The trial Court, and Court of Appeals, P.G. County Maryland, 7th Circuit Defective Judgments, was not legally correct As required by legitimate law.

(A)Whether As per violation of petitioners Legal Jurisdictional duty, Rights protection of Mandatory, mandate legislature statuary command rights of Authority, notice as a matter of law .

(B) Whether As per violation of petitioner legal Constitutional Guaranteed Rights protection of Due process. To be Heard, Lack of any legal . Notice, Summons , Service , to awaken petitioner.

(C) Whether As per Violation Constitutional Guaranteed Rights protection of Due process and equal protection, strict scrutiny to this Differential treatment as a matter of law. Court has no rational Reasons to Side step the law as a matter of law.

(D) Whether as per violations of the petitioners legal Duties, Rights. The respondent Filed its legal express waiver of admission defense, by which the court use as benefit to the admission of guilt of the respondent, to entrap the protection rights and punish the innocent party.

(E) Whether as per law violation of the petitioners rights, to be innocent, when the respondent, Could not prove its case as law.!?

LIST OF PARTIES

[ ] All parties do not appear in the caption of this case on the cover page. A list of all parties to the proceedings is the court who's judgment is the subject of this petition is as follows.

Agent #1 Case CAE- 97-016794 (Extrinsic Fraud) lack Jurisdictional Authority over Intrinsic fraud foreclosure. Respondent substitute trustee Supreme Court bar, Kenneth J. Mac Fadyen P.A. Totman Building Suite 400 210 E. Red wood Street Baltimore MD 212002 ph (410)-6851733.

Agent #2 Case Cae- 97-016794 (Extrinsic Fraud) lack legal jurisdictional authority over Fraud Foreclosure. Constitutional Manifest err Direct Appeal to the P.G. County. Maryland Court of Appeals 7th Circuit. Respondent Alvin Friedmen substitute trustee Express Waiver of Admission Defense. Respondent Attorney John r. Flechel Miles & StockBridge , P.D. #10 light street Baltimore Maryland 21202, PH# (410) -727-6464

(d) OPINION BELOW

Last opinion. Is from the unreported opinion of the Court of Special Appeals , P.G. County Maryland 7th Circuit. Order Number 906 Sept term 2005. Standard Authority Maryland as per Rule 8-114 unreported opinion. Dated 15 September 05.

(e) JURISDICTION

[1] Supreme Court of the United States entered Order For Petitioner Petition for writ of certiorari is denied March 1 st 2010 Case NO. 09-719

[2] Petitioner Petition for Rehearing for Writ of Certiorari Jurisdiction this Supreme Court Request Certiorari is invoked under 28 U. S. C. 1257 (a) .

(f) CONSTITUTIONAL AND STATUORY PROVISIONS INVOLVED

MAXIM- The Same rights the respondent exercise, is the same rights the prose petitioner possess.—Trial Court, and Court of Appeals P.G. County Maryland 5th Circuit Show no rational reason to bar, Take away Petitioner Duty, Right to mandatory, Command, mandate of legislatures Jurisdictional Mandatory requirements protection Against this Extrinsic Crime Rule 2-535 (b)-- Rule 2-322-- Rule 8-131 Jurisdictional Review.

(A) UNITED STATES CONSTITUIONAL GUARANTEED PROTECTION RIGHTS VIOLATED 5TH AM2ENDMENT ,- NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW .

(B) UNITED STATES CONSTITUTIONAL GUARANTEE D PROTECTION RIGHTS VIOLATED 14TH AMENDMENT

(Section #1) All persons born are naturalized in the united sates, and subject to the jurisdiction thereof are citizen of the united staes and of the states wherein they reside no states shall make or enforce any law which shall abridge the privilege are immunities of citizens of the United States, nor shall any state deprived any person of life. Liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws

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STATE OF MARYLAND CONSTITUIONAL GUARANTEED AUTHORITY IN CONFLICT

Trial Court Judgments and court of appeals confirm and sustain trial court manifest plain lack of jurisdictional err. Violating petitioners rights to constitutional due process . And Constitutional due process and equal protection, Strict Scrutiny, without any good reason to this differential . treatment

(a)ARTICIAL #1 Trail Court err had no legal right to take away petitioner guaranteed right to this legal property as a matter of law .
(b) ARTICLE #3- Court of Appeals P.G. County Maryland 7th Circuit had jurisdictional last duty , rights of Mandatory Jurisdictional requirements over this case as per rules 8-131 scope of review (a) is in conflict
(c) ARTICLE #4 Conflict with Maryland state, court constitutional duties
(d) ARTICLE #6 Supreme Court Authority over Constitutional Guaranteed Rights of Protection to due process , and due process and equal protection rights of law. Is the law of the land Authority requesting supreme court rehearing rule 44.
(e) ARTICLE 23 trial by jury civil proceedings
(f) ARTICLE 24 Due process is the right of every party.
(g) trial court, court of appeals , P.G. County Maryland 7th Circuit Authority, Confirms and Corroborated in its case law, the state courts, Use the U.S. Supreme Court as direct Authority over errs of due process and equal protection, AS standard guaranteed rights protection for laws as per amendment 14 U.S. Constitutional laws judgment for justice to this end .

INDEX OF APPENDIX

U.S. Supreme Court Order Case # 09-719 March 1st 2010

Court of Special Appeals, P.G. County Maryland 7TH Circuit Order Number 906 Sept term 2005 unreported opinion

(F-3) TABLE OF AUTHORITIES

TABLE OF RULES

(1)Maryland Rule 2-131 a Scope of Jurisdictional Review
(2)Maryland Rule 2-322 Waiver Admission defense. Jurisdictional Admission Defense
(3)Maryland Rule 2-535 (b) Extrinsic Fraud jurisdictional Revisary power

STATEMENT OF THE CASE
GOOD FAITH A MAXIM ARGUMENT

Substantive controlling law, actions and facts .
This trial court jurisdictional err, is in conflict with the standard requirements of law, to impact, all courts legal authority, to this end . (Court had no legal right to take my home) .!? By any legitimate law.!? **GOOD FAITH RIGHT REHEARING WRIT OF CERTIORARI REQUESTED**.

Laws themselves desires that they to should be govern by rights. All courts must honor legal jurisdictional rights OF LAW at all times.!?

MAXIM- A judge who exceeds his office (or jurisdiction) is not obeyed.-- Judgments reversible err.-- From 1997 to date. Court lack legal, rights jurisdiction, over the petitioner, and its property. ***MAXIM- A judge ought always to regard equity.***

MAXIM- The voice of the legislators themselves is like a living voice.—That is law. The provisions of a statute are to be understood and interpreted as practical rules for real circumstances. Coke adds.

NOTE-Legal jurisdictional duty, rights is the requirements law, is legitimate real law, to all courts mandate Authority right. It is the proper role of a judge to state the right interpreted ,is the duty of the judge to administrate justice and not to make new law (review.) .ignorance of law is no excuse.

A Judgment is always taken for truth.
MAXIM- The law sometime sleeps but never die. Petitioners right can not die. **MAXIM**- There is no

exception based on the very matter for which a solution is being sought.(Jurisdiction, Due process, due process and equal protection, express waiver), (free will)**VOLUNTARY** relinquishment or abandonment of its rights to be heard and or appealed ESTOPPEL. Respondent has no duty, legal right, defense, to this evil crime against legitimate statutes of law. No jurisdiction exist.

The respondent legal express waiver of admission defense, is the case second best witness, of a guilty plea. The respondent did not deny, committing this crime, and court err.-- **MAXIM**- The law does not allow a duplication of possibilities.!? Petitioner is innocent as per law.

MAXIM- ALL presumptions are in favor of life, liberty, and innocence. If justice is to be served .!?

The 7th Circuit Trial Court of Maryland defective judgments, resting on its burden, duty to review its rights, lack of legal jurisdictional authority, requirements is **reversible err**. Court judgments Were not legally correct, as per Law.!?

(1) Legal jurisdictional **REQUIREMENTS** mandatory authority, to all courts duties, rights authority over all due process RULES, laws , Legislative statue as a matter of law. Court Judgments Has absolutely no legal place to rest . Lack of legal jurisdiction, burden, failure of the respondent (Extrinsic Fraud) is jurisdictional deceiving reversible err.!?

The court judgment should help, the petitioner who has been deceived. Gross negligence is fraud.

The principle part of everything is how it first began. This evil crime, began without a bank verified default. Respondent then filed (extrinsic fraud) lack of legal jurisdiction, to contaminate, intimidate, and manipulate the courts authority to this end, steal my home . **MAXIM-** Every person house (home) should be his safest refuge. From this evil respondents crime, the court lack jurisdiction and judgments errs took my home to this end., IS UNCONSTITUIONAL .ERR .

MAXIM- There should be no departure from common observance (or usage)—as court attached its mandatory authority to legal jurisdiction to exercise legal law for all.!?

MAXIM- A judge who exceeds his office, (or jurisdiction) is not to be obeyed.- From 1997 to date. Is without legal rights protection of law.!?

The respondent (Extrinsic Fraud), MAXIM- A concealed intentions is an (evil one). As this jurisdictional matter began in the respondents guilty, mind.—**MAXIM- An act does not make a person guilty unless his mind (intentions is guilty.) Co.Inst. 54;107:. This crime is intentional with knowledge, motive, intent.!?**

It is the clear right and duty of the legal process, justices (judges) to administrate justice to everyone pleading before them. To seek the answers to questions of law. In order to rightly comprehend a thing as legal, it is necessary first to comprehend its jurisdictional authority. **MAXIM- the person who affirms must prove.—But to conceal one**

thing of jurisdictional importance, is to violate, the duties, rights of the rest of the case.—

FACT- The legal trial court jurisdictional application ATTACHING authority, is the beginning of the life of the case. The trial court illegal Summary judgment, was and is defective giving rights of my home to the respondent, and associates.!? Without having legal jurisdiction.

MAXIM- From the words of law there is to be no departure.-- The Respondent can not benefit, from the trial court jurisdictional injustice err, against (the legal owners) Will and this unsound illegal foreclosure case.

POINT OF LAW – Legal jurisdictional authority interpreted by the Supreme Court as legitimate law, so the Jurisdictional intent must be preserved. MAXIM- the reason is obvious.

The respondents crime is against the law and, respondents must not go unpunish. MAXIM- It is a crime that causes the shame and not the scaffold, can not rest on constitutional law.

When the bank could not verify the debt as in default. The default did not exist, that's the law. When legal jurisdictional authority did not appear in the records, legal jurisdiction did not exist, and the respondent tried to deceive DUE PROCESS of law .!? **MAXIM-** A person who does wrong secretly is punished more severely than one who acts openly, 8. Coke. 127.

POINT OF LAW- This lack jurisdictional case, by this respondent choice, is considered to

be secretly, without legal notice, summons, services to the petitioner to defend. Wrong was done by the respondent's, lack of due process, when he knew, should have known, had good reasons to know he had filed a defective illegal law suit that all evidence of merits, legal law, rules of law, would be in conflict, to the dispute, or he thought he would have this case in dispute to this end.!?

POINT OF LAW (The respondent). The party filing the case, before, any legal jurisdictional competent court, is responsible, accountable, and liable for the jurisdictional attachment, ERR, and burden of proof for this defective case. Injustice, to the court requires authority to exercise its legal authority, duties, rights over the actions to this end lack jurisdictional authority is an injustice of law.

Respondent did not prove its case. The petitioner must be acquitted. Any uncondemned person is held by law as innocent. The respondent did not deny the truth of this law as fact.

MAXIM- A judicial act by a judge without jurisdiction is void, as to a Ministerial act, from who so ever its proceeds, let it be void. IS LAW.

MAXIM- If the plaintiff does not prove his case the defendant is acquitted.—MAXIM- As an act of the court prejudices no one. THIS IS LAW.!? To protect the peoples' rights.!?

MAXIM- The law is the dictate of reason .!?

The rule of law is absolutely clear. Legal jurisdiction is mandatory requirement of law . Is a legal lawful command of the people, to the legislature, to mandate these legal jurisdictional requirements as law to all courts, duty, rights, authority requirements AS LAW.!? Protection.!?

NOTICE-MAXIMA- There is no mandate for a thing immoral, (or illegal). Hints, there is no action for failing to act upon such a mandate Dig. 17. 1. 6. 3.

NOTE- The greater court over which this command is a legal requirement duties and rights is the U.S. SUPRME COURT. **MAXIM-** The greater includes the lesser.!? Which ultimately impacts the safety and protection, future duties, and rights, of all action over persons and property, within its jurisdiction, as a matter of law justice.

POINT OF LAW- MAXIM- Let justice be done though the heavens may fall . POINT OF LAW- the first action requirements verification, of any court attach authority, is essential to legal jurisdictional authority, as it is to due process , as a matter of law. **All presumptions are in favor of life, liberty, and innocent to this injustice.**

The clear duty and requirements of legal jurisdictional attach authority IS for protection rights at all times. Without which no court, has the duty, right of legal jurisdiction authority over any due process of law and, .!? **LEGAL JURISDICTION DO NOT EXISIT !! From**

legal jurisdiction to all courts exercises rights and authority Justice, Justice, Justice, must flow. Petitioner seeks only justice as law .!?
MAXIM- What is present in the record is before the court, exist. What exist, is present in the record.

POINT OF LAW- Statutory law. Is law legally passed by a legislative body, rights duties to make law. (STATE AND FEDERAL, SOVEREIGN) is absolute power, over legal jurisdictional mandate requirements, authority. U.S. Supreme Court has corroborated this legal jurisdictional law, authority as legitimate law.!? And justice must prevail for ALL now and in the future .!?

ISSUE: 2 The trial court violated the people, petitioner's duty, and Rights, of Constitutional Guaranteed Due Process Rights and Protection.
All persons under legal jurisdiction of law is required due process. All persons alike is entitle to due process, as per constitutional guaranteed rights, protection of law dictates AT ALL TIMES.

ISSUE 3: The Trial court did err, and violate the petitioners rights of due process, and equal protection, as constitutional guaranteed rights, strict scrutiny.

Court violated petitioners rights of timely notice, summons, service, to awaken the (pro se) petitioner to exercise his guaranteed protection rights to be heard, on the trial courts defective

foreclosure judgments. Note- Petitioner did not waiver any of his rights a anytime, to date.!?

MAXIM- When fraud enters due process, the (extrinsic fraud) will contaminate every court decision there after . (When not corrected) NOTE- Rule 2-535 (b) clearly states defective jurisdiction is extrinsic fraud, and was raised, time after time, to no avail correction, from the lower courts.!?

POINT OF LAW- To whom jurisdiction is given, those things also are considered to be granted, (bound) without which the jurisdiction can not be exercised. That is the grant of jurisdiction implies the grant (binding) of all due process, powers of AMEND. # 5 constitutional guaranteed protection rights, as necessary to exercise the right of law.

Which includes (binding) due process and equal protection, AMEND. # 14, constitutional guaranteed protection Rights. Against this differential treatment, lack of strict scrutiny to this end, as a matter of law, with justice for all .!?

NOTE- *Constitutional Guaranteed protection of law is the highest form of statutory law. By the people, for the people's , future protection against this abuse of authority,* ***law must prevail .***

NOTE- Legal jurisdictional authority alone, gives all courts the right to exercise its legal authority, power, to sound judgments decisions that binds the parties to any matter, property, brought before the jurisdictional court, as a matter

of law. Be it persons or subject matter for justice for all.

Courts impunity provides a constant inclination to wrongdoing (4 Coke 45).

QUESTIONS- Why the court's injustice decisions, punishing the innocent petitioner, for a crime the court records, clearly states the petitioner did not do.? **NOTE-** ***Respondent , did not deny this err.!?***

MAXIM- No one is punished for a crime, or wrong of another . The petitioner by exercising his legal rights to defend, injures no one. **MAXIM-** No one should loose his legal property, without his own act of negligence. BUT court err took my home against all known Guaranteed Protection Rights.

MAXIM- No one should be dragged (taken by force from his own house DIG. 50,17.103). THE Respondent and no one else is above the laws. – *For all courts to make laws agree with laws is the best mode of interpreting them.*

MAXIM- No one ought to be burden in consequences of another act. Let no one be relieved or gain advantage by his own (EXTRINSIC FRAUD) crime. MAXIM- (The wrongdoing should not drive any benefits from his own wrong.) This trial court obstacle judgment, let the respondent and his crime go FREE.!?

The petitioner, and no one else, ought to be condemned unheard, unless he is obstinate in

refusing to appear for due process. NOTE- The petitioner could not appear without legal jurisdictional notice, summons, service to all courts and all parties thereto, could not appear without due process of guaranteed constitutional protection of law.!? Petitioner did not waiver his rights.!? Punishment must equal the crime.!?

POINT OF LAW- The bank (intrinsic fraud) foreclosure can not be transferred to its attorney, a greater foreclosure right, (or authority), than the bank in its self actually has. Co. Litt. 309. By law.!?

ISSUE 4: POINT OF LAW- The MARYLAND Court of Appeals jurisdictional authority, vainly put this case, many times over, thru this Supreme Court. Many denied Appeals to this end.

Justice that should have been justly accomplished though **UNJUSTLY** entrapped by the respondents express waiver of admission defense, to extrinsic Fraud for (leniently), against all courts lack of legal jurisdictional authority to enforce the trial courts defective (ex parte) illegal obstacle course summary judgments.!?

Which is in conflict with all other jurisdictions, duties, rights to this same kind of legal jurisdictional requirements of law. In conflict with Maryland P.G. County 7th Circuit jurisdiction rights, in conflict with federal legislative law jurisdictional requirements. **All above is reversible err.!?**

NOTE- Respondent express waiver of admission defense, is a fact of law. **MAXIM- A person who do not deny, ADMITTS. MAXIM- It is better to suffer every wrong than to consent to this wrong.**

These obvious facts, are not in need of any proof, before any court, for justice for all .!? The respondent, and court are bound to know all of this is true.

Respondent, do not, can not, will not, dispute the merits, innocent, of the petitioners rights. *No court can legally side step these Rights.*

(No Court), have the Jurisdictional, due process right, duty, authority to transfer, my stolen property by fraud foreclosure to the respondent as a matter of law, and justice prevail.

NOTE- Bank, (Intrinsic Fraud) Respondent (Extrinsic Fraud) Trial Court (Lack of legal Jurisdiction ERR, is ignorance of Statutory jurisdictional law.

Ignorance of Constitutional guaranteed state rights protection of law. Ignorance of Constitutional Guaranteed protection rights of federal law, is of no excuse. The court must trust no one except those sworn before the court. The Law can not fail in dispensing rights of justice, in this case.

Rights of law, is the highest form of reasoning which commands what is useful and necessary, and forbids the contrary.

MAXIM- A maxima is so called because its dignity is **chiefest** and its authority is the most certain and because it is most approved by all.

MAXIM- A multitude of ignorance practicing destroys a court. What is done in court by the court is presumed to be rightly done as a matter of law. A party forcibly deprived of his property as done to the petitioner, ought first of all to have restitution. **The court that spares the guilty wrongfully punishes the innocent.**

CONCLUSION:

The trial court, and Court of Appeals defective judgment is deficient as law. The (pro se) petitioner (is a lay person) position argument on law is clearly stated by: **MAXIM- If the law is inadequate, the maxims serves in its place.**

The Law always abhors this delays, the law is the dictate of reason, the court ignorance of these facts is an injustice of which there is no excuse.!? Is extreme prejudice to petitioner.!?

MAXIM- A court multitude of ignorance practices, destroys a court. Do not produce and indulgence of err.

Respondents pray for legal conclusion, an equity must follow the law. And justice is served. Punishment must fit the crime.

William Smith

(pro se) Defendant WILLIAM SMITH
1001 Saddle Hill Rd Deland Florida 32720
Ph. # 386-734-0476

(h) **Petitioners Concise Argument** Respondent filed a free will , knowledge , motive, intent. express waiver of admission Guilty defense.
(1) Respondent has admitted illegal jurisdiction (extrinsic fraud) exist did not deny.
(2) Respondent has admitted court lack legal jurisdictional authority over case, did not deny.
(3) Respondent has admitted there is no dispute in the, merits, evidence. Action, rights, duties, of the case . All laws,state and federal,did not deny, right of appeal, did not deny No argument needed.
(4) Respondent has admitted, respondent has no legal right of appeal.
5) No Court Should be Deficient in showing this case as legal justice as a matter of law.!?
(6) Respondent did not file its express waiver of admission defense to this case # 09-715 has completely abandonment of all rights.
(7) Petitioner Statement of MAXIM, Case Argument is precise to respondent admitted guilt did not prove its case. Petitioner is innocent.
(8) Petitioner must be acquitted as a matter of law .
(9) Justice and equity follows the law.
(10) Court should not be deficient in showing legal justice in this case as a matter of law.
(11)Constitutional guaranteed rights of law must prevail .
(12) The respondent punishment must fit the crime .
(13) Supreme Court certiorari will resolve case , forever.!?

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK WASHINGTON DC,
20543-0001

WILLIAM K. SUTER, CLERK OF THE COURT
(202)-479-3011

March 1st 2010

WILLIAM SMITH 1001 SADDLE HILL RD
Deland fl. 32720.

Re: WILLIAM SMITH V. ALVIN FRIEDMAN,
et. AL. No. 09-715

Dear Mr. Smith
The Court Today Entered the following order in the above entitled case.

The petition for a writ of certiorari is denied

SINCERELY (S) WILLIAM K. SUTER
(CLERK)